

Applicant: Thibault et al.
Application Serial No.: 09/841,371
Filing Date: April 24, 2001
Docket No.: 64,149-099 (102-563)
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REMARKS

Reconsideration of the application as amended is respectfully requested.

Claims 1-24 are in the application. Claim 1 has been amended to include limitations of claim 9, and claim 9 has been amended accordingly.

In the Office Action, the Examiner rejected claims 1 and 10 under 35 U.S.C. §103(a) as being unpatentable over Applicant's Admitted Prior Art (AAPA) in view of Finneran (U.S. Patent No. 5,857,579). The Examiner also rejected claim 2 under 35 U.S.C. §103(a) as being unpatentable over the AAPA and Finneran and further in view of Osborne (U.S. Patent No. 2,409,788). Claims 1-24 were rejected under the judicially created doctrine of double patenting over claims 1, 2 and 4-15 of co-pending Application No. 09/732,538. No prior art rejections were applied to claims 3-9 and 11-24.

Claim 1 was amended to include the limitation of claim 9 so that claim 1 now includes the step of forming a plastic closure of "a polymer alloy comprising a relatively malleable soft polymer and a relatively rigid polymer". Finneran discloses the use of only a single plastic, not an alloy. (Column 11, lines 36-40). In addition, no disclosure or suggestion is made in Osborne to make a closure of a polymer alloy. Through this amendment, it is respectfully submitted that

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claims 1, 2 and 10 are patentable over the AAPA, Finneran and Osborne, each taken alone or in combination.

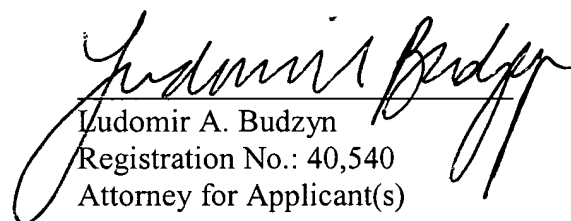
With respect to the obviousness-type double patenting rejection, attached hereto is a Terminal Disclaimer relating to U.S. Application No. 09/732,538. With the filing of this Terminal Disclaimer, it is respectfully submitted that the double patenting rejection has been overcome.

For the record, attached hereto is an Associate Power of Attorney granting the undersigned authority to act in the subject application. Entry of the change of correspondence address noted in the attached Associate Power of Attorney form is respectfully requested.

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Favorable action is earnestly solicited. If there are any questions or if additional information is required, the Examiner is respectfully requested to contact Applicants' attorney at the number listed below.

Respectfully submitted,


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